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12 CITY OF HENDERSON

13 UNITED STATES DISTRICT COURT  
14 DISTRICT OF NEVADA

14 KELLY WOODBURN and THOMAS  
15 WOODBURN, and JOSHUA  
16 RODRIGUEZ, individually and on behalf  
17 of all others similarly situated,

18 Plaintiffs,

19 vs.

20 CITY OF HENDERSON; DOES I through  
21 V, inclusive; and ROE CORPORATIONS  
22 I through V, inclusive,

23 Defendants.

Case No. 2:19-cv-01488-CDS-VCF

**STIPULATION AND ~~(PROPOSED)~~  
ORDER TO EXTEND DISCOVERY  
DEADLINES**

**(FOURTH REQUEST)**

24 Plaintiffs Kelly Woodburn, Thomas Woodburn, and Joshua Rodriguez, together with  
25 Defendant City of Henderson, hereby stipulate and agree to amend the Stipulated Amended Discovery  
26 Plan and Scheduling Order, first entered July 27, 2022 (ECF No. 163), and subsequently amended by  
27 minute order on May 9, 2023 (ECF No. 174). The parties seek to extend all current discovery  
28 deadlines for an additional 180 days from entry of this order.

This is the parties' fourth request for an extension to the Stipulated Amended Discovery Plan

1 and Scheduling Order in this matter.<sup>1</sup> The parties submit this stipulation in advance of the upcoming  
 2 deadline to submit initial expert reports, which is currently scheduled on December 18, 2023 (ECF  
 3 No. 174), and to clarify the remaining discovery period in light of Plaintiff's counsel's pending  
 4 withdrawal.

### 5 **DISCOVERY COMPLETED TO DATE**

6 The following is the discovery completed to date:

- 7 • On November 12, 2020, Plaintiffs served their First Request for Production of Documents.
- 8 • On November 12, 2020, Plaintiffs served their Second Request for Production of Documents.
- 9 • On November 24, 2020, Defendant served its Initial Disclosures.
- 10 • On November 30, 2020, Defendant served its Interrogatories and First Set of Requests for Production to Thomas Woodburn. On the same day, Defendant also served its Interrogatories and First Set of Requests for Production to Kelly Woodburn.
- 11 • On December 17, 2020, Plaintiffs served their Initial Disclosures.
- 12 • On January 11, 2021, Defendant served its Responses to Plaintiffs' First and Second Sets of Requests for Production.
- 13 • On January 21, 2021, Kelly Woodburn served her Responses to Defendant's First Set of Interrogatories and Requests for Production. On the same day, Thomas Woodburn served his Responses to Defendant's First Set of Interrogatories and Requests for Production.
- 14 • On January 21, 2021, Plaintiffs served their First Supplemental Disclosures.
- 15 • On March 4, 2021, Plaintiffs served their Third Set of Requests for Production.
- 16 • On April 12, 2021, Defendant served its Responses to Plaintiffs' Third Set of Requests for Production.
- 17 • On April 12, 2021, Plaintiffs served their Second Supplemental Disclosures.
- 18 • On May 2, 2022, Defendant served its First Supplemental Disclosures.
- 19 • On May 2, 2022, Defendant served its First Set of Interrogatories and Requests for Production to Joshua Rodriguez.

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 25 <sup>1</sup> The parties second stipulation to extend discovery deadlines was filed on December 12, 2022 (ECF  
 26 No. 164), and the Court granted the request the same day (ECF No. 165). That order extended the  
 27 discovery period from April 17, 2023, to September 14, 2023. During a May 9, 2023 hearing on  
 28 Defendant's Motion to Compel Discovery Responses (ECF No. 166), the parties agreed to an  
 additional extension to the discovery deadlines (the third request), which reflects the current deadlines  
 to discovery. Thus, although this stipulation represents the third written request to extend discovery  
 deadlines, it is the parties' fourth overall request to do so.

- 1                   • On May 19, 2022, Defendant served its First Set of Interrogatories and Requests for
- 2                   Production on the following opt-in Plaintiffs:
- 3                   ○ Darius Brown
- 4                   ○ Eliot Holman
- 5                   ○ Cornel Cook
- 6                   ○ JoAnn Vollmann
- 7                   ○ Justyn Arciszewska
- 8                   ○ Anthony Todd
- 9                   ○ Ryan Korthauer
- 10                  ○ James Waylon Shawn
- 11                  ○ Jed Robbins
- 12                  ○ Robert Thomas
- 13                  ○ Brandon Harbin
- 14                  ○ Philip Grozenski
- 15                  ○ Ronald Peeler
- 16                  ○ Ann Waite
- 17                  ○ Richard Reyes
- 18                  ○ Braden Dong
- 19                  ○ Henry Robertson
- 20                  • On May 20, 2022, Defendant served its First Set of Interrogatories and Requests for
- 21                  Production on the following opt-in Plaintiffs:
- 22                  ○ Octaviano Zamora Rios
- 23                  ○ William Worthington
- 24                  ○ Guadalupe Trejo
- 25                  ○ Marc Smith
- 26                  ○ Brain Robinson
- 27                  ○ Michael Renteria
- 28                  ○ Victoria Price
- James Petersen
- Ana Nguyen
- Andrew Montano
- Johnathan Mitchell
- Jack McDonald
- Reuben Ladja
- Steven Kopacz
- Arzo Klenosky
- Daniel Higa
- David Harris
- Collette Harman
- Evan Green
- Kamuela Aiu
- Erich Ammon
- Brandon Blair
- Trevor Burns
- Juan Chavez
- Benjamin Comeau
- Michael DiGregorio
- Brandyn Dombrowski
- Tammy Dombrowski
- Christina Dorsey
- Lewis Edmonson

- Johnnie Graves
  - David Bishop
  - Raul Acevedo-Saldivar
- On May 25, 2022, Defendant served its First Set of Interrogatories and Requests for Production on the following opt-in Plaintiffs:
    - Samantha Mosqueda
    - Michael Olive
    - Andrew Johnson
    - Gabriel Arias
    - Joshua Woodside
    - Edward Weathers
    - Jessica Veit
    - Erika Tagen
    - Arturo Sanchez
    - Alex Rozum
    - Michael Ramseyer
    - Michael Page
    - Victor Milligan
    - Jose Martinez-Lopez
    - Ashley Mangan
    - Pita Luli
    - Charlynn Foranro
    - Joshua Epperson
    - Arbresha Dema
    - Carlos Deloera
    - Jennifer Chavys
    - Colin Brown
  - On May 31, 2022, Defendant served its Second Supplemental Disclosures.
  - On June 1, 2022, Joshua Rodriguez served his Responses to Defendant's First Set of Interrogatories and Requests for Production.
  - On June 6, 2022, Defendant served its Third Supplemental Disclosures.
  - On June 17, 2022, Plaintiffs served their Third Supplemental Disclosures.
  - On October 7, 2022, Plaintiff Kelly Woodburn served her First Supplemental Responses to Defendant's First Set of Interrogatories and Requests for Production to Kelly Woodburn.
  - On October 10, 2022, Plaintiffs took the deposition of Pam Lauer.
  - On October 11, 2022, Plaintiffs took the deposition of Damon Smith.
  - On October 11, 2022, Plaintiffs served their First Set of Interrogatories and Fourth Set of Requests for Production.
  - On October 11, 2022, Plaintiffs served their Fourth Supplemental Disclosures.
  - On November 3, 2022, Plaintiffs served their Fifth Supplemental Disclosures.
  - On November 7, 2022, Plaintiffs took the deposition of David Burns.

- On November 16, 2022, Plaintiff Kelly Woodburn served her Second Supplemental Responses to Defendant's First Set of Interrogatories to Kelly Woodburn.
- On November 28, 2022, opt-in Plaintiffs Johnnie Graves, Henry Robertson, and Victoria Price served their Responses to Defendant's First Set of Request for Production.
- On November 28, 2022, opt-in Plaintiff Johnnie Graves served his Response to Defendant's First Set of Interrogatories.
- On December 2, 2022, opt-in Plaintiff Victoria Price served her Response to Defendant's First Set of Interrogatories.
- On December 8, 2022, Defendant served its Responses to Plaintiffs' First Set of Interrogatories and Fourth Set of Requests for Production.
- On December 8, 2022, Defendant served its Fourth Supplemental Disclosures.
- On December 23, 2022, Plaintiff Joshua Rodriguez served his first supplemental discovery responses.
- On January 18, 2023, Plaintiff Marc Smith served his discovery responses.
- On January 23, 2023, Plaintiff Evan Green served his discovery responses.
- On January 23, 2023, Plaintiff Trevor Burns served his discovery responses.
- On January 25, 2023, Plaintiff Brandyn Dombrowski served his discovery responses.
- On January 27, 2023, Plaintiff Jed Robbins served his discovery responses.
- On January 27, 2023, Plaintiff Jack McDonald served his discovery responses.
- On January 31, 2023, Plaintiff Henry Robertson served his responses to Interrogatories.
- On February 1, 2023, Plaintiff Erich Ammon served his discovery responses.
- On February 2, 2023, Plaintiff Braden Dong served his discovery responses.
- On March 1, 2023, Plaintiff Guadalupe Trejo served her discovery responses.
- On March 22, 2023, Plaintiff Ronald Peeler served his discovery responses.
- On April 5, 2023, Plaintiff James Waylon Shaw served his discovery responses.
- On April 5, 2023, Plaintiff Juan Chavez served his discovery responses.
- On April 10, 2023, Plaintiff Joshua Woodside served his discovery responses.

- On April 17, 2023, Plaintiff Raul Acevedo-Saldivar served his discovery responses. On April 18, 2023, he served amended responses to his interrogatory responses.
- On April 17, 2023, Plaintiff Philip Grozenski served his discovery responses.
- On April 18, 2023, Plaintiff Samantha Mosqueda served her discovery responses.
- On April 24, 2023, Plaintiff Lewis Edmondson served his discovery responses.
- On April 28, 2023, Plaintiff Robert Thomas served his discovery responses.
- On May 3, 2023, Plaintiff Gabriel Arias served his discovery responses.
- On May 3, 2023, Plaintiff Edward Weathers served his discovery responses.
- On June 6, 2023, Plaintiffs served their Sixth Supplemental FRCP 26 disclosures.
- On June 8, 2023, Plaintiffs served their Seventh Supplemental FRCP 26 disclosures.
- On June 28, 2023, Opt-In Plaintiffs Ammon, Chavez, Graves, Robertson, Trejo, and Woodside served supplemental responses to Defendant's first interrogatories and requests for production.
- On July 11, 2023, Opt-In Plaintiffs Acevedo-Saldivar, Dong, and Shaw served supplemental responses to Defendant's first interrogatories and requests for production.
- On July 12, 2023, Opt-In Plaintiff Jack McDonald served supplemental responses to Defendant's first interrogatories and requests for production.
- On July 18, 2023, Opt-In Plaintiff Marc Smith served supplemental responses to Defendant's first interrogatories and requests for production.
- On July 19, 2023, Opt-In Plaintiffs Lewie Edmondson and Philip Grozenski served supplemental responses to Defendant's first interrogatories and requests for production.
- On July 26, 2023, Opt-In Plaintiff Robbins served supplemental responses to Defendant's first interrogatories and requests for production.
- Only July 27, Opt-In Plaintiff Burns served supplemental responses to Defendant's first interrogatories and requests for production.
- On August 4, 2023, Opt-In Plaintiff Abresha Dema served first responses to interrogatories and requests for production.
- On August 7, 2023, Opt-In Plaintiffs Evan Green and Robert Thomas served supplemental responses to Defendant's first interrogatories and requests for production.

- On August 11, 2023, Opt-In Plaintiffs Victoria Price and Brandyn Dombroski served supplemental responses Defendant's first interrogatories and requests for production.
- On August 11, 2023, Opt-In Plaintiff Steven Kopacz served first responses to interrogatories and requests for production.
- On August 14, 2023, Opt-In Plaintiff Brandon Harbin served first responses to interrogatories and requests for production.

### **DISCOVERY THAT REMAINS TO BE COMPLETED**

Discovery is ongoing in this matter. Defendant has served all opt-in Plaintiffs with its First Sets of Interrogatories and Requests for Production. The parties then agreed to a sampling size for Phase I discovery of the opt-in Plaintiffs, specifically that Plaintiffs would prepare discovery responses for the three (3) named Plaintiffs and a sampling size of 27 of the opt-in Plaintiffs. Plaintiffs have also agreed to make available the 27 opt-in Plaintiffs for depositions. To date, Defendant has received three (3) of the opt-in Plaintiffs' responses to its First Set of Requests for Production, and two (2) of the opt-in Plaintiffs' responses to its First Set of Interrogatories.

Once all of the opt-in Plaintiffs' sufficient written discovery requests are received, Defendant plans (and the parties have agreed) to depose the three (3) named Plaintiffs, along with the 27 opt-in Plaintiffs. Indeed, Defendant cannot take these depositions until it is in receipt of sufficient written discovery responses from the named Plaintiffs and the 27 opt-in Plaintiffs. Plaintiffs have also planned to take the deposition of Defendant's Rule 30(b)(6) witness. Lastly, the parties anticipate the preparation of expert witness disclosures and rebuttal disclosures.

The parties acknowledge that the currently pending Report and Recommendation to grant Plaintiffs' Motion to Withdraw as Counsel (ECF Nos. 180, 194) may affect the scope of discovery in this case. However, absent an ultimate disposition of that motion, the parties agree that additional time to complete discovery will be needed. Moreover, even if the scope of discovery is narrowed by a decision on Plaintiffs' Motion to Withdraw as Counsel, the additional time will allow the parties to sufficiently conduct written discovery, depositions, and expert discovery. Accordingly, the parties agree that Plaintiffs' counsel's possible withdraw does not affect the need for additional time to complete discovery.

## **REASONS FOR EXTENSION TO COMPLETE DISCOVERY**

This extension is necessary to allow both parties ample time to complete all appropriate discovery. The requested extension is sought in good faith and not for purposes of undue delay, and is supported by good cause.

Since the Order granting the Stipulated Amended Discovery Plan and Scheduling Order (ECF No. 163) was entered by this Court on July 27, 2022, the parties have engaged in a series of written discovery, document production, and depositions of former supervisory personnel of Defendant. Specifically, Defendant has served its responses to Plaintiffs' First Set of Interrogatories and Fourth Set of Requests for Production, which included a corresponding document production. Defendant also served written discovery on all of the opt-in Plaintiffs between May 19-25, 2022. The parties then agreed to a sampling size of 27 opt-in Plaintiffs and the three (3) named Plaintiffs.

Plaintiffs have now produced initial and supplemental responses for the three named plaintiffs. Of the 27 sampled opt-in plaintiffs, 25 have submitted their initial responses to discovery, and 19 of those 25 have supplemented their initial responses. The parties' disagreements concerning the sufficiency of those responses have been documented in their moving papers. However, Defendant cannot conduct and take the depositions of the named Plaintiffs and 27 opt-in Plaintiffs until Defendant receives sufficient written discovery responses. Lastly, Plaintiffs have indicated their intent to depose Defendant's Rule 30(b)(6) witness. That deposition has not yet been scheduled.

Given the above, the parties require more time to properly complete discovery on all individual claims and pre-certification issues, which includes (i) opt-in Plaintiffs serving all of their responses to Defendant's written discovery (pursuant to the parties' agreement on a sampling size of 27), (ii) Defendant taking the depositions of the named Plaintiffs, (iii) Defendant taking the depositions of the 27 opt-in Plaintiffs; (iv) Plaintiffs taking the deposition of Defendant's Rule 30(b)(6) witness; and (v) preparation of expert witness disclosures and rebuttal disclosures.

## **PROPOSED REVISED DISCOVERY PLAN**

### 1. Discovery Cut-Off Deadline

#### a. Phase I of Discovery (Named Plaintiffs' Claims and Class Certification):

The Phase I Discovery cut-off deadline shall be extended from February 14, 2024, to **August**



1 **12, 2024.**

2 b. Phase II of Discovery (Damages and Liability):

3 The Parties propose that they submit a Proposed Stipulated Discovery Plan for Class-wide  
4 Phase II Discovery twenty-one (21) days following the Court's ruling on any class  
5 certification/decertification or summary judgment motions after Phase I of Discovery is completed in  
6 order to set deadlines and dates for Phase II.

7 2. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts) Deadline:

8 The parties agree to and propose a deadline to disclose experts for Phase I sixty (60) days prior  
9 to the close of Phase I Discovery: **June 13, 2024** (60 days prior to the proposed close of Phase I  
10 Discovery). The parties further propose a deadline to disclose any rebuttal experts thirty (30) days  
11 after the initial disclosure of experts: **July 15, 2024.**

12 3. Class Certification, Collective Decertification and Dispositive Motions:

13 To the extent that Plaintiffs continue as a collective, the Parties agree to and propose a deadline  
14 to file class certification, collective decertification, and dispositive motions thirty (30) days after the  
15 close of Phase I Discovery: **September 11, 2024.** Defendant also reserves the right to oppose  
16 Plaintiffs' anticipated motion for final certification of the FLSA collective for trial.

17 4. Pretrial Order:

18 The Parties agree to and propose that the date for filing a Joint Pretrial Order shall be no later  
19 than thirty (30) days after the date set for filing any dispositive motions after Phase II of Discovery.  
20 The Parties will include this proposed date in their Proposed Stipulated Discovery Plan for Phase II.

21 In the event dispositive motions are filed after Phase II, Plaintiffs propose that the date for  
22 filing a Joint Pretrial Order shall be suspended until thirty (30) days after decision of the dispositive  
23 motions or further order of the Court.

24 5. Fed. R. Civ. P. 26(a)(3) Disclosures:

25 The Parties agree to and propose that Fed. R. Civ. P. 26(a)(3) disclosures shall be included by  
26 the Parties in their Joint Pretrial Order.

27 ///

28 ///

6. Extensions or Modifications of the Discovery Plan and Scheduling Order:

In accordance with Local Rule 26-3, a stipulation or motion for modification or extension of any deadline stated in this Discovery Plan and Scheduling Order must be made no later than 21 days before the expiration of the subject deadline.

Dated: November 7, 2023

Dated: November 7, 2023

CLAGGETT & SYKES LAW FIRM

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By: /s/ Brian Blakenship

By: /s/ Andrew S. Clark

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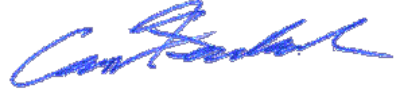
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**ORDER**

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: 11-8-2023